

MICHAEL HARKEY,)	
)	
Plaintiff,)	
)	2:15-CV-01378-RCJ-NJK
vs.)	
)	
MORTGAGE ELECTRONIC)	ORDER
REGISTRATION SYSTEMS et al.,)	
)	
Defendants.)	

Motions to reconsider are generally left to the discretion of the trial court. *See Herbst v. Cook*, 260 F.3d 1039, 1044 (9th Cir. 2001). A motion to reconsider “should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” *McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999) (en banc) (quoting 389 *Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999)). “A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.” Fed. R. Civ. P. 59(e). A

1 motion to reconsider “may not be used to raise arguments or present evidence for the first time
2 when they could reasonably have been raised earlier in the litigation.” *Kona Enterprises, Inc. v.*
3 *Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).

4 Plaintiff asks the Court to reconsider the dismissal of his case because he unexpectedly
5 had insufficient funds to pay the filing fee before the deadline, and now he is prepared to pay the
6 fee. Plaintiff also argues he did not receive the Court’s orders involved with this case because he
7 was travelling between Nevada and Washington where he is pursuing other litigation.

8 The Court declines to reconsider its decision to dismiss the case. Plaintiff has not
9 presented new evidence, demonstrated clear error, or identified an intervening change in the
10 controlling law. No other circumstances involved here justify reconsideration.

11 **CONCLUSION**

12 IT IS HEREBY ORDERED that the Motion to Reconsider (ECF No. 8) is DENIED.

13 IT IS SO ORDERED.

14 DATED: This 13th day of November, 2015.

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17 ROBERT C. JONES
18 United States District Judge
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